IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 32997 of 2007(S)

PETITIONER:

FORUM FOR PREVENTION OF ENVIRONMENTAL
AND SOUND POLLUTION,
REGD.NO.A 571/2001,
KALARCODE,
ALAPPUZHA-690 503,
REPRESENTED BY ITS SECRETARY,
SRI.K.RAJAKUMARAN.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY ITS
PRINCIPAL SECRETARY (HOME),
SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF THE DYSP,
ALAPPUZHA-695 503.

3. ALI MUHAMMED JUMA ATH,
REPRESENTED BY ITS SECRETARY,
CIVIL STATION WARD,
ALAPPUZHA.- 695 503.

BY SR. GOVT. PLEADER SMT. K. MEERA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, CJ. & K.M. JOSEPH, J.

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W.P.(C) No. 32997 of 2007

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Dated this the 23rd day of November, 2007.

JUDGMENT

H.L.DATTU, CJ,

Petitioner is an organisation registered under the Travancore Cochin Literary, Scientific and Charitable Societies Registration Act, 1955. The Society is exposing the cause of the public at large.

2. In this petition filed under Article 226 of the Constitution of India the petitioner is requesting this court to direct the second respondent/the Deputy Superintendent of Police, Alappuzha, to take appropriate action against the third respondent under the provisions of Noise Pollution (Regulation and Control) Rules, 2000 so as to effectively curtail the noise pollution being generated by the Madrassa referred to in Exts. P1, P2 and P4.

3. When the matter was posted before the court for preliminary hearing, we had directed the learned Government Pleader, Smt. Meera, to take notice for the second respondent. We had specifically directed the Registry not to issue notice to respondents 1 and 3.

4. Today the matter is again posted for preliminary hearing. On instructions, the learned Government Pleader, who is appearing for the second respondent, would submit that pursuant to the complaint alleged by one Sri. K.Rajakumaran, who is also the petitioner in this writ petition, that a case has been registered against the third respondent in Crime No.417/2007 under Section 15 of the Environmental (Protection) Act, 1986.

5. Since the second respondent has set the law in motion, for the present, we are of the opinion that the relief sought for by the petitioner need not

be considered and granted by us. Accordingly, we dispose of this writ petition. However, we reserve liberty to the petitioner to approach this court, if need arises, in future.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

sb.